

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Commercial Logic, Inc.,
Plaintiff

v.

The Practice Engine Group, Ltd.,
Integrated Distribution Systems, Inc.,
Defendants

Civil No. 09-cv-266-SM
Opinion No. 2010 DNH ____

The Practice Engine Group, Ltd.,
Integrated Distribution Systems, Inc.,
Counterclaimants

v.

Commercial Logic, Inc.,
Counter Defendant

NOTICE OF RULING

Re: (Document No. 15)
Application for Issuance of a Letter of Request

Ruling: Denied, without prejudice, essentially for the reasons given in the objection filed by plaintiff. The motion for issuance of a letter of request (letters rogatory) and the proposed letter are overly broad with respect to the discovery sought, and would impose an undue and unnecessary burden on a foreign citizen, not party to this litigation. Courts must exercise "special vigilance" in preventing imposition of such burdens. See Societe Nationale Industrielle Aerospatiale v. United States Dist. Court for Southern Dist., 482 U.S. 522, 546

(1987). And, from the objection filed, it appears that properly tailored and focused discovery requests as allowed under the applicable Rules of Civil Procedure will yield all relevant information and evidence by agreement. For example, defendant is not entitled to all correspondence related to the "business relationship" between plaintiff and APS, and certainly not all correspondence between APS and plaintiff's clients, but plaintiff seems, correctly, perfectly willing to provide access to correspondence related to issues in this litigation, and it should have the same correspondence copies as APS.

Entered by: Steven J. McAuliffe, Chief Judge

Date: April 14, 2010

cc: Sean M. Gorman, Esq.
Thomas J. Donovan, Esq.